

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6513

BILL NUMBER: HB 1558

NOTE PREPARED: Feb 14, 2011

BILL AMENDED: Feb 14, 2011

SUBJECT: Unauthorized Adoption Facilitation.

FIRST AUTHOR: Rep. McMillin

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill makes it a Class A misdemeanor for a person to knowingly or intentionally provide, engage in, or facilitate adoption services to a birth parent or prospective adoptive parent who lives in Indiana. (Current law makes it a Class A misdemeanor for a person to knowingly or intentionally provide, engage in, or facilitate adoption services to a birth parent or prospective adoptive parent who resides in Indiana.)

The bill provides that the crime of unauthorized adoption facilitation against prospective adoptive parents does not apply to child placing agencies licensed under any state's law or attorneys licensed to practice law in any state. (Current law provides that the crime of unauthorized adoption facilitation does not apply to child placing agencies licensed under Indiana law or attorneys licensed to practice in Indiana.)

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) This bill adds child placing agencies licensed under any state's law and attorneys licensed to practice law in another state from the list of individuals who are exempt from criminal penalties for unauthorized adoption facilitation for prospective adoptive parents that live in the state of Indiana. This bill may decrease Class A misdemeanor convictions in the state; however, any decrease is expected to be negligible.

Penalty Provision: If there is a reduction in court cases where fines would have been collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would decrease.

The maximum fine for a Class A misdemeanor is \$5,000. However, any loss of revenue would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail.

Explanation of Local Revenues: *Penalty Provision:* If there is a reduction in court actions where a guilty verdict would have been entered, local governments would receive less revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.